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Report of the Independent Expert on the situation of human rights in the Central African Republic

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Independent Expert on the situation of human rights in the Central African Republic, Marie-Thérèse Keita Bocoum, prepared pursuant to Council resolution 36/25. The report covers the period from July 2017 to June 2018 and describes the overall evolution of the human rights situation in the Central African Republic and the major developments affecting it.

The period was marked by constant human rights violations and abuses linked to continuing attacks by various armed groups in the south-west of the country in 2017, and in Bangui and the centre of the country in 2018. Most of the abuses were the work of anti-Balaka and ex-Séléka armed factions and criminal gangs controlling districts of Bangui or mining areas. They continued to target civilians, humanitarian workers and United Nations peacekeepers, but also homes, public buildings, hospitals and places of worship, worsening the humanitarian situation and restricting access to economic and social rights. These incidents also show contempt for the rules of international humanitarian law on the part of the perpetrators of these attacks. Unacceptable cases of sexual violence and cruel, degrading and inhuman treatment still go unprosecuted. Despite the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, serious violations of the rights of children persist.

The African Union launched the African Initiative for Peace and Reconciliation in the Central African Republic in July 2017, and the Economic Community of Central African States (ECCAS) has strengthened its involvement in the stabilization of the Central African Republic and regional security. Doubts nonetheless remain as to the sincerity of the armed groups regarding their commitments to this process and the disarmament, demobilization, reintegration and repatriation programmes. The population is demanding greater participation in this process.

Crucial steps have been taken in transitional justice regarding the pillars of justice, the right to truth and guarantees of non-recurrence, but they lack coordination and coherence. The appointment of the members of the National Commission on Human Rights and Fundamental Freedoms certainly represents progress in the construction of an institutional human rights framework, but it requires consolidation through evaluations and an adequate budget.

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Contents

		Page
I.	Introduction	3
II.	General situation in the country	4
	A. Security situation	4
	B. Political context and mediation efforts	5
	C. Regional cooperation to promote human rights	6
III.	Human rights situation	6
	A. Abuses attributed to armed groups	7
	B. Violations attributed to the national authorities	8
	C. Sexual violence, and sexual exploitation and abuse	9
	D. Women's rights	10
	E. Situation of children	10
	F. Economic, social and cultural rights	11
IV.	Humanitarian situation	11
	A. Observations	11
	B. Refugees and displaced persons	12
V.	Transitional justice	13
	A. Overview	13
	B. Challenges of coordinated action	15
VI.	Conclusions and recommendations	15
	A. Observations	15
	B. Recommendations	16

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 36/25 of 29 September 2017, in which the Council renewed the mandate of the Independent Expert and requested her to submit a written report to it at its thirty-ninth session.

2. It covers the period from July 2017 to June 2018, during which the Independent Expert made two visits to the Central African Republic, from 6 to 16 February and 12 to 22 June 2018. She went to Bangui, Bangassou, Bossangoa, Bria and Paoua.

3. The Independent Expert met with the President, the Prime Minister and several ministers, including the Minister for Foreign Affairs, African Integration and Central Africans Abroad, the Minister of Defence, the Minister of the Interior, Public Security and Regional Government, the Minister of Justice and Human Rights, and the Minister of Social Affairs and National Reconciliation. She also met with the Deputy Speaker of the National Assembly and the chairs of commissions, the Special Prosecutor of the Special Criminal Court, representatives of the National Commission on Human Rights and Fundamental Freedoms, and the President and Office of the High Council for Communication.

4. The Independent Expert also held discussions with the senior management and chiefs of the various civilian, military and police components of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), the United Nations agencies, and with representatives of the diplomatic corps, including the African Union, the Group of African Ambassadors, ECCAS, the European Union Military Training Mission in the Central African Republic, the panel of facilitators of the African Initiative for Peace and Reconciliation, and international humanitarian organizations. She met representatives of civil society, human rights organizations, women's organizations and the religious council. She also met representatives of the main ex-Séléka and anti-Balaka armed groups.

5. In April 2018, the Independent Expert visited Gabon to discuss the regional dimension of the human rights situation in the Central African Republic. She held discussions with an adviser to the Minister for Foreign Affairs, Cooperation, Francophonie and Regional Integration of Gabon, the Special Representative of the Secretary-General for Central Africa and Head of the United Nations Regional Office for Central Africa (UNOCA), the ECCAS Assistant Secretary-General responsible for the Department of Human Integration, Peace, Security and Stability, and representatives of the diplomatic corps.

6. In June 2018, she went to New York to consult representatives of the Secretary-General, the Secretariat and the specialized institutions of the United Nations, and representatives of the diplomatic corps.

7. A high-level interactive dialogue on the situation of human rights in the Central African Republic was held during the thirty-seventh session of the Human Rights Council, in the presence of representatives of the African Union and ECCAS, members of the panel of facilitators of the African Initiative for Peace and Reconciliation, and a representative of Central African civil society women's associations. The Independent Expert presented an oral update to the Human Rights Council at its thirty-eighth session and met with representatives of the diplomatic corps and of non-governmental organizations in Geneva.

8. The Independent Expert thanks the Central African authorities for their cooperation and openness to discussion, the United Nations, MINUSCA, and in particular the staff of the Human Rights Division for their support for her mandate during her visits, and all the people and associations who have shared their assessment of the human rights situation with her.

II. General situation in the country

A. Security situation

9. The outbreaks of violence and clashes since July 2017 have returned the Central African Republic to serious crisis with dramatic consequences for the civilian population, humanitarian workers and United Nations peacekeepers. The proliferation of areas of tension in the centre of the country, the recent violence in Bangui and the uncertain situation in localities such as Bangassou and Paoua are evidence of a steady undermining of the authority of the State by armed groups, particularly the ex-Séléka and anti-Balaka.

10. The most serious abuses include the following events. In late July 2017, anti-Balaka elements attacked the compound of the cathedral of Bangassou (south), which shelters displaced persons. In August, clashes between armed groups, including anti-Balaka elements and elements of the Union pour la paix en Centrafrique (UPC) in Alindao (south-east), and anti-Balaka elements and elements of the Front Populaire pour la renaissance de la Centrafrique (FPRC) in Bria (centre), affected the protection of civilians. On 23 September, elements of the armed group Retour, réclamation et réhabilitation (3R) used violence against civilians in Bocaranga (north-west). In October, conflict in Pombolo and Kembé (south-east) resulted in the death of several civilians.

11. On 12 December, UPC and FPRC fighters surrounded the hospital of Ippy (centre) and opened fire on civilian staff and patients, killing 12 men, one woman, three children and a baby.

12. In late December, violence between the groups Révolution et justice, under the leadership of Armel Ningatoloum Sayo, and the Mouvement national pour la libération de la Centrafrique, under the command of Mahamat Bahar, led to the destabilization of several localities around Paoua (north-west) and the displacement of 60,000 persons.

13. On 21 March 2018, there were clashes between anti-Balakas and UPC elements in Tagbara (centre). On 3 April, anti-Balakas targeted the MINUSCA base and killed a peacekeeper, while a UPC attack on the displaced persons compound caused 23 deaths, including of three children and four women.

14. On 8 April, a joint operation by the internal security forces, the Central African armed forces and MINUSCA took place in Bangui to arrest members of criminal gangs from the PK5 neighbourhood. This operation, codenamed "Sukula", provoked reactions against the MINUSCA forces, causing 31 deaths and 145 wounded, including many civilians.

15. On 1 May in the PK5 neighbourhood, 22 were killed and another 185 wounded after an armed group led by Nimery Matar Jamous, the "Force", stirred up violence in response to an attempt by the Central African authorities to arrest one of their members. Houses, hospitals, churches and mosques were targeted in a cowardly manner in Bangui, including the church of Fatima and the Lakouanga mosque.

16. On 30 May, UPC elements attacked the gendarmerie of Bambari and looted several homes, the cathedral and the court. In the space of one month, the premises of nine humanitarian organizations were looted in Bambari.

17. Despite this situation reflecting the resistance of the armed groups to turning towards peace, the Independent Expert noted progress in the security sector, in particular the gradual redeployment of the Central African armed forces alongside United Nations peacekeepers in Sibut, Paoua, Obo, Bangassou and, probably, Bouar. She also noted the end of the pilot project on disarmament, demobilization, reintegration and repatriation, which enrolled 450 persons, but has yet to have any consequences.

18. The Independent Expert also noted the positive outcome of the vetting process, which enabled the selection, training and deployment of three battalions of the Central African armed forces and the current training of 500 police officers and gendarmes.

19. Lastly, the Independent Expert noted the redeployment of 16 prefects and their sub-prefects, but regrets that their efficiency is still hampered by lack of logistical resources, and insecurity.

B. Political context and mediation efforts

20. On 17 July 2017 in Libreville, the African Union adopted a roadmap for peace and reconciliation: the Initiative for Peace and Reconciliation. In September, a panel of facilitators was appointed to implement it with the aim of ensuring inclusion, reconciliation and national cohesion. The panel, the main responsibility of which is to promote dialogue between the Government and the armed groups, held talks between 27 November and 11 December 2017 and in March 2018 in order to establish a climate of trust, to deliver a message from the President of the African Union to the armed groups and to listen to their political, economic, social and judicial demands.

21. According to the coordinator of the panel representing the African Union, some armed groups reacted positively to the approaches, altered their discourse and have begun to assist the panel with the process. It was then planned that the Government and the armed groups would begin talks in order to draft a consensus document. The Independent Expert notes, however, that the violence in Bangui in April and May seems to have slowed down the process.

22. In the framework of the Initiative, civil society players expressed their concern that the people of the country had not been consulted adequately, just as they had not been during the previous two peace initiatives, of the Saint Egidio Community and in Brussels in June 2017. The Independent Expert again regretted the too weak involvement of the population — particularly women — in the peace process (see A/HRC/36/64, para. 34). She called for the inclusion in the consultation process of all players in civil and political life, especially women and local and religious leaders. She stresses the importance of such consultations for legitimizing the outcome of political dialogue. She also invited civil society to maintain its role of impartial and independent observer of the impact of political decisions on human rights.

23. The Independent Expert has taken note of the local peace initiatives in Bria (centre) and Bouar (west) in support of the African Initiative for Peace and Reconciliation. She encourages assistance to these agreements in the form of adequate resources to maintain or establish an environment conducive to reconciliation and lasting peace.

24. In the course of her missions, the Independent Expert was made aware of the categorical refusal of the population and the authorities to consider an amnesty for war crimes and crimes against humanity in the peace negotiations, in order to bring an end to the culture of impunity and build the Central African Republic on healthy foundations.

25. The Independent Expert examined the implementation of the National Recovery and Peacebuilding Plan adopted by the National Assembly in October 2016. This plan is based on three pillars (political, social and economic) and could make it possible speedily to provide for the needs of the Central African population, especially unemployed youth. The Expert noted the unanimous wish of Central Africans to prioritize the health, education and security sectors, and economic opportunities and employment. She was, however, concerned at the delay in disbursing funds and implementing projects. Noting the link between the National Plan and a transitional justice roadmap, she encouraged the strengthening of good governance to ensure speedy execution of the Plan, where that was possible.

26. In June 2018, the Independent Expert met with the High Council for Communication during an awareness campaign on messages of hatred, incitement to violence and stigmatization. She recognized that appropriate communication in the context of crisis was essential for reconciling communities and transparently presenting the efforts of the Central African Government and its partners in favour of the population. She nonetheless recalled the fundamental principle of freedom of expression.

C. Regional cooperation to promote human rights

27. From 24 to 26 April 2018, the Independent Expert visited Gabon to discuss the regional dimension of the crisis in the Central African Republic and its impact on human rights. While appreciating the cooperation between the United Nations and ECCAS on regional peace and security issues, she emphasized the vital role of ECCAS in the dialogue for peace, progress on justice and reconciliation and improving the humanitarian situation in the country. Her visit in June strengthened her opinion and she invited the States of the subregion to strengthen their support for the Central African Republic.

28. Recommending joint measures on the questions of the transhumance, the Independent Expert took note of the intentions to establish bipartite and tripartite commissions, particularly with Cameroon, the Democratic Republic of Congo, Sudan and Chad.

29. In Libreville, the Independent Expert spoke of the crucial role that ECCAS, with the support of UNOCA, could play in harmonizing strategies to combat the illicit circulation of arms and natural resources, armed groups and mercenaries and in promoting the protection of refugees. She invited these institutions to increase their cooperation with the Economic Community of West African States (ECOWAS) and the United Nations Office for West Africa and the Sahel (UNOWAS), and to strengthen the sharing of experiences, especially regarding the institutional reform of ECCAS. In particular, she appreciated the opening of the Joint Summit of ECOWAS and ECCAS Heads of State and Government in Lomé on 30 July 2018. Similarly, she continues to encourage South-South bilateral and multilateral cooperation initiatives to assist the Central African Republic and ECCAS in their respective reforms. She also repeats that the African Commission on Human and Peoples' Rights and its special mechanism can play a role in supporting the Central African Republic. She herself intends to strengthen her cooperation with the Commission.

30. The Independent Expert was informed of the drafting of a subregional action plan to implement Security Council resolution 1325 (2000) on women and peace and security. At the same time, she noted the importance of considering a subregional action plan on child protection, including with regard to children and armed conflict. In New York, she discussed the benefits of strategies to combine efforts to protect women and children in the subregion. She plans to develop strengthened cooperation with the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General for Children and Armed Conflict.

31. Regarding security, the Independent Representative welcomed the forthcoming organization of the Dakar International Forum on Peace and Security in Africa, during which stability in the Central African Republic and subregional security in Central Africa could be raised.

III. Human rights situation

32. The period from July 2017 was marked by a steady rise in human rights violations and abuses connected with the proliferation of clashes and attacks by the various armed groups, mainly anti-Balaka and ex-Séléka groups. Murder, torture, inhuman and degrading treatment, sexual violence, abduction, deprivation of liberty and arbitrary arrest, extortion and looting, recruitment and use of children, occupation of and attacks on schools, health centres and places of worship, and denial of humanitarian aid continue to be the main abuses.

33. Between July 2017 and June 2018, MINUSCA recorded 3,422 cases of violations and abuses, which left 5,457 victims (3,177 men, 662 women, 550 boys, 255 girls and 70 unidentified children, as well as 562 identified adult and 181 other victims.[1]

[1] Between July 2016 and June 2017, the Human Rights Division of MINUSCA recorded 1,976 cases of violations and abuses, which left 3,423 victims (see A/HRC/36/64, para. 42).

34. In 2018, the situation continued to deteriorate, particularly in Bangui, following sporadic attacks and violence against civilians. The Independent Expert also noted an intensification of clashes between the various armed groups in the south and south-east of the country and renewed clashes in Bria (east) and in the north-west.

35. Furthermore, the increase in the use of messages of hatred and incitement to violence strengthened discrimination and social stigmatization. In particular, the violence in Bangui in April and May 2018 and the attempts by armed groups to manipulate the population strengthened the risks of religion-based attacks.

36. The Independent Expert has been constantly concerned about mob justice, handed down mainly by members of armed groups in the form of cruel, inhuman and degrading treatment inflicted on vulnerable, elderly and defenceless persons on the basis of accusations of witchcraft. Despite appeals to the Central African authorities, the Expert continues to observe that the number of cases is increasing and that the perpetrators of such violence remain untroubled by the judicial authorities.

37. At the institutional level, the Independent Expert welcomes the appointment of the members of the National Commission on Human Rights and Fundamental Freedoms in September 2017. Unfortunately, during her visits in 2018, she deplored the fact that the Commission had no operating budget. She appreciated the efforts made by MINUSCA, the United Nations Development Programme and the African Union to strengthen the capacities of the members of the Commission regarding observation and report writing on human rights, and the donation of some equipment. When she was informed recently of the preparation of the Commission action programme 2018–2022, she encouraged its members to finalize this document and disseminate it widely in order to facilitate the mobilization of the resources necessary for the functioning of the Commission and to guarantee its independence. She also advised the Commission to intensify its exchange of experiences with other national commissions in the framework of South-South cooperation.

38. On 29 June in Bangui, the first session of the human rights forum was held in the presence of 73 participants (53 men and 20 women) from civil society organizations, international non-governmental organizations and religious organizations, and representatives of communities and local authorities. Supported by MINUSCA, the forum aims to establish a framework bringing together all those involved in human rights questions in Bangui to discuss them periodically.

39. The Independent Expert was also informed of discussions initiated on a national human rights policy, and encourages greater visibility and the inclusion of all stakeholders in this process.

A. Abuses attributed to armed groups

40. More than 60 per cent of violations and abuses of human rights and international humanitarian law are attributed to armed groups. The increase in cases of violence is mainly the result of more widespread clashes between armed groups and their factions in the regions of the country that were previously relatively calm, such as Bangassou, Rafai and Zémio (south-east), Alindao, Kembé and Pombolo (south centre), and to frequent clashes in Bria (centre) between the anti-Balaka and various ex-Séléka factions. In addition, tension has increased in the north-west of the country because of the separation of General Bahar from the Mouvement patriotique pour la Centrafrique in order to form the Mouvement national pour la liberation de la Centrafrique. Other abuses are also attributed to the UPC and 3R groups and armed Peul elements. Moreover, the strengthened action of MINUSCA in Batangafo (north-west) has enabled abuses committed in previously inaccessible areas to be documented.

41. The Independent Expert is incensed at the ability of armed groups to exercise de facto judicial functions in the form of illegal and arbitrary detention, which in some cases resembles abduction. She is particularly concerned about serious violations committed against children, violence against women and the resurgence of attacks on religious leaders since the beginning of 2018, especially in Bangui in May and in Bambari in June.

42. The Independent Expert notes that this situation contradicts the commitments made by the armed groups to turn to peace and shows the limitations of the military option for reducing their influence. She also notes the contempt of the armed groups for civilian protection and respect for international humanitarian law, despite the message that some abuses may constitute war crimes and crimes against humanity. The Expert appreciates the appeals of the national authorities and the international community to the armed groups, but notes that they are not enough to calm tensions and that additional strategies should be implemented to end the violence.

43. The strengthening of the position of the United Nations force by resolution 2387 (2017), adopted by the Security Council on 15 November 2017, in order to confront the violence of the armed groups also seems to explain the increase in attacks on the peacekeeping forces. Since July 2017, ten United Nations peacekeepers have been killed. The Independent Expert condemns these attacks on the United Nations peacekeeping forces, which may constitute war crimes.

44. Cases of cruel and inhuman treatment by armed groups on the basis of accusations of witchcraft have been brought to the attention of the Independent Expert in several regions. These allegations affect in particular the Mbomou region (south-west), where, on 5 May, in Béma, anti-Balaka elements under the command of Pino-Pino are alleged to have killed eight women accused of witchcraft, while on 30 May in Bangassou (south-east), anti-Balaka elements commanded by Line Roger are alleged to have killed a woman for the same reasons. Other allegations concern Bria (centre east), where FPRC elements commanded by General Ali Ousta are said to have subjected three men to cruel and inhuman treatment in May and to have killed a woman on 3 June, all of whom had been accused of witchcraft. Such abuses are also alleged to have occurred in Batangafo (north-west) on 3 and 28 May, when anti-Balaka elements threatened a 32-year-old woman and killed a 60-year-old woman, both accused of witchcraft.

45. The Independent Expert notes that this phenomenon is not new (see A/36/64, paras. 59 to 62), but these reported examples indicate that the increasing number of such cases of abuse regularly undermines social cohesion and masks conflict-related violence. She again reminds the Central African authorities of their duty to redouble efforts to put an end to such mob justice without delay and to identify the criminal liability of the perpetrators of such acts. She invites MINUSCA to work with the authorities to develop awareness-raising campaigns and institute a national debate on this issue.

B. Violations attributed to the national authorities

46. The Central African State has made efforts to protect the population and to deploy the administration and the national security forces in some regions. Nonetheless, the inadequate number of civil servants in some regions because of insecurity or lack of adequate resources to perform their duties has led to several human rights violations by the national authorities. The lack of representatives of the criminal justice system in some regions continues to affect pretrial detention periods. It also limits access to justice and the right of persons to be informed promptly and in detail in a language they understand of the nature and grounds of charges brought against them.

47. In February 2018, the Independent Expert regretted the lack of judges, who had, however, been redeployed, in the towns of Paoua, Bossangoa and Bria. During her visit to Paoua, she observed that the premises of the new Paoua Prison were empty for lack of prison guards. She then visited the premises of the gendarmerie, which, despite a recent escape, still held 16 prisoners sharing the same space, five of them women, one of whom was four months pregnant. In June, she went to Bangassou, where the local authorities also regretted that there had been no judges in the town for almost a year, resulting in impunity. Aware of the security risks, as in Bambari, where the court was looted in May 2018, the Expert called upon judges to display courage and join the administrative and prefectural authorities already present in the regions without further delay.

48. The Independent Expert was informed of the presence of the Central African armed forces, newly trained by the European Union Military Training Mission in the Central

African Republic (the training of the 3rd battalion is due to end in August 2018) and by Russian trainers, in Sibut and Obo since 11 November 2017, in Paoua since January 2018 and in Bangassou since 22 June 2018. Intensified follow-up of operations conducted by these troops is needed regarding the necessary respect for human rights and application of the human rights and due diligence policy. The lack of logistical resources necessary for deployment of the armed forces and installation of a garrison army was mentioned to her. She appreciates the efforts initiated by the international community to remedy these needs and encourages the regular organization of human rights training to prevent risks of violation.

49. The Central African internal security forces are essentially present in Bangui. The Independent Expert recalled the importance of evaluating and reducing the risks of impaired civilian protection during security operations in the capital, and the challenge of maintaining freedom of movement between the PK5 neighbourhood and the rest of the city.

C. Sexual violence, and sexual exploitation and abuse

50. Conflict-related sexual violence increased steadily in 2017 according to the United Nations, which documented 308 cases committed against 155 women, 138 girls, 13 men and two boys (see S/2018/250).[2] This violence continues to be committed by ex-Séléka and anti-Balaka armed groups, the Lord's Resistance Army and the 3R group, which are present in all regions. It involves rape, group rape, abduction and forced marriage. The Independent Expert is concerned about allegations of the rape of girls recruited by armed groups (48 girls out of the 138 cases reported in 2017) (ibid.).

51. The joint rapid response unit to combat sexual violence against women and children has handled more than 300 complaints since 2017, but few have resulted in prosecution. The Independent Expert encourages intensified cooperation between the unit and the Special Criminal Court to handle these case, finalization of appointments to the unit and allocation of an adequate budget. In New York, the Expert met the Special Representative of the Secretary-General on Sexual Violence in Conflict and plans to strengthen their cooperation by arguing jointly for the protection and empowerment of victims of sexual violence. She also invites the Government to do the same and to continue to cooperate with the Team of Experts on the Rule of Law and Sexual Violence in Conflict.

52. At the institutional level, the Independent Expert was informed of the signing of a decree on 7 June 2018 replacing the National Committee to Curb Traditional Practices Harmful to the Health of Women and Girls by the National Technical Committee to Combat Gender-Based Violence, Harmful Traditional Practices and Child Marriage in the Central African Republic in order to extend its powers.

53. Regarding allegations of exploitation and sexual violence by the international forces, the Independent Expert found it unacceptable that such cases persisted. She nonetheless took note of the efforts of MINUSCA to raise the awareness of the United Nations international forces and to prevent and deal with cases. When informed of cases reported in 2018 and of the follow-up by MINUSCA with the States of the nationals concerned by this sort of allegation, she stressed the importance of providing legal assistance to victims and strengthening medical and psychotherapeutic assistance. The Expert recalled that all action must be based on human rights and above all be victim-centred, complying with the do no harm, confidentiality and informed consent principles in the best interests of the victim. Such an approach would enable the United Nations, not only to engage in dialogue with States on their human rights obligations, but also to devise comprehensive strategies covering both cases of exploitation and sexual violence and the human rights violations that cause or result from them.

[2] In 2016, MINUSCA documented 179 cases of conflict-related violence against 92 women, 86 girls and one boy.

D. Women's rights

54. In March 2018, the Independent Expert discussed with women's associations in Bangui protection and activities to promote peace and security. She also met displaced women in Paoua, Bria and Bangassou, where extremely limited resources for multiple assistance needs reveal unprecedented poverty levels. It is essential to take into account rural women and girls, especially those who are displaced, at every level of humanitarian assistance and economic development projects, and in local and national peace processes and transitional justice activities.

55. The Independent Expert particularly wishes to underscore the example of Bangassou, where women and girls presented to her a project on peace consolidation through income-generating activities, which is seeking financing. She fully supports this type of project, which can be seen as a modest means of giving collective compensation to victims of violence in Bangassou, reconciling divided communities and responding to training and empowerment needs. She encourages the State and international partners to support this project in the framework of a local transitional justice strategy applicable to the context of Bangassou.

56. In Bangui, the Independent Expert encouraged women leaders to go to the regions to gather women's needs and opinions so that they are heard in all decision-making authorities. She was informed of the establishment of a national observatory of equality between women and men as an independent body responsible for monitoring and evaluating implementation of the law on equality. She regrets that the implementing decree has yet to be adopted, thus preventing its operation.

57. During the High-level Interactive Dialogue on the Central African Republic held in Geneva on 21 March 2018, the Independent Expert encouraged the application of Security Council resolution 1325 (2000) on women and peace and security at the national and regional levels, and continued documentation of violence and of the impact of the conflicts on women and girls. She also advocated enhanced protection of women and girls and their full participation in peace negotiations.

E. Situation of children

58. The Independent Expert deplores the fact that the situation of Central African children remains critical. She endorses the final observations of the Committee on the Rights of the Child on the second periodic report of the Central African Republic, dated 8 March 2017 (CRC/C/CAF/CO/2).

59. Notwithstanding the large number of children demobilized by armed groups, the Independent Expert notes that the resurgence of the conflict has resulted in renewed recruitment of children, flouting the agreements signed during the Bangui Forum on National Reconciliation and other legal instruments on child protection. In 2017, the Central African Republic saw a significant increase in the number of children recruited by armed groups, with some 299 children (196 boys and 103 girls), in addition to 104 cases of murder and mutilation, 138 cases of sexual violence, 43 abductions of children, 28 attacks on schools and 19 on hospitals, and 101 cases of denial of humanitarian access to children (see A/72/865-S/2018/465). The Independent Expert took note of the action plan signed on 30 May 2018 by the armed group MPC to put an end to six serious violations against children and she encourages its speedy implementation. She was also informed that the social integration and psychological assistance projects are still insufficient and that the pilot project on disarmament, reintegration and repatriation of minors has been ineffective.

60. In collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict, the Independent Expert plans to strengthen advocacy for the protection of Central African children, in particular to raise awareness of the six serious violations that may affect children during armed conflict.

61. Regarding the geographic situation of the Central African Republic, the Independent Expert recommends that the question of child protection be raised at the regional level with

a view to developing an action plan for child protection in Central Africa. In this regard, the Independent Expert notes the role that could be played by ECCAS in drawing up such a strategic plan and by the States active in child protection in providing the necessary political, technical and financial support to Central African reintegration programmes for demobilized children.

F. Economic, social and cultural rights

62. The Independent Expert has taken note of the examination in March 2018 of the initial report of the Central African Republic on application of the International Covenant on Economic, Social and Cultural Rights by the Committee on Economic, Social and Cultural Rights (see E/C.12/CAF/CO/1). In Bangui in June, she invited the authorities she met with to strive as far as possible to fulfil their obligations under the Covenant and to follow the Committee's recommendation. She also underscored the link between those recommendations and the Millennium Development Goals.

63. The Independent Expert supports the considerations of the Committee on the promotion of economic, social and cultural rights aimed at remedying certain causes of conflict (ibid., para 10), including inequalities of treatment and the seizure of resources by a few individuals. She also shares the Committee's views on the place of economic, social and cultural rights in transitional justice, including the compensation of victims and guarantees of non-recurrence.

64. The Independent Expert has taken note of the National Recovery and Peacebuilding Plan (2017–2021), the aim of which is to support the reforms essential to the security of Central Africans, national reconciliation, redeployment of the State and recovery of the productive sectors. She is, however, concerned at the delays in implementation. In particular, she invited her interlocutors to develop a programmatic approach to transitional justice, linking the second and third pillars of the Plan (social contract and economic recovery) and peacebuilding and security measures in order to facilitate reconciliation.

65. During her visits to the regions, the Independent Expert regretted that basic social services, such as education, health, water supply and sanitation, were still inadequate or provided by humanitarian organizations. She emphasized especially respect for the economic, social and cultural rights of displaced persons and refugees in order to foster their reintegration in their communities of origin.

66. The Independent Expert is also struck by the correlation between exploitation of natural resources and the violence of conflicts, and appreciates the recommendation made by the Committee to the State to guarantee transparency and traceability in the management of revenues arising from the exploitation of natural resources and from external aid (E/C.12/CAF/CO/1, para. 15 b). She recommends that detailed studies on the management of resources be conducted for this purpose and greater private sector involvement in the protection and promotion of economic, social and cultural rights.

IV. Humanitarian situation

A. Observations

67. The humanitarian situation has not improved and remains very worrying. In June 2018, the Office for the Coordination of Humanitarian Affairs reported that there were 653,890 displaced persons and 584,000 Central African refugees. The number of persons needing humanitarian assistance had risen from 2.2 million to 2.5 million, i.e. more than half the population of the country.[3]

[3] Office for the Coordination of Humanitarian Affairs, "Central African Republic", *Humanitarian Bulletin*, No. 36 (June 2018).

68. The cost of the Humanitarian Response Plan is estimated at $515.6 million.[4] The Independent Expert very much regrets that in June 2018 only 23 per cent of the funds had been raised. She fully supported the humanitarian appeal aimed at guaranteeing reliable and foreseeable financing to aid the 1.9 million Central Africans targeted by the Plan. Regarding identified needs, she emphasized that persons with disabilities faced still greater challenges in accessing food, health services and medical assistance. She also notes the importance of strengthening measures on access to psychotherapeutic assistance for victims of the crisis.

69. The Independent Expert deplores the unacceptable looting and attacks on humanitarian workers and their equipment. Between January and June 2018, 150 acts of violence were committed on humanitarian workers or property and four humanitarian staff members lost their lives in the course of their work.3 In particular, she regretted the attack in the vicinity of Markounda (north-west) on 25 February 2018, when five representatives of the education ministry and a UNICEF consultant were killed. Regarding access to foodstuffs, she was informed that the World Food Programme warehouses in Bangassou (south-east) had been looted several times by anti-Balaka elements.

70. With regard to health services, the Independent Expert, strongly condemned the attack on Zémio hospital on 11 July 2017 by an anti-Balaka element, who killed a one-year-old Muslim child. The same hospital was attacked again on 17 August by armed Peul elements, who killed at least 11 civilians. In late August, anti-Balaka elements prevented Muslims from entering the hospital. She also deplores the attack on the hospital of Ippy (centre) in December 2017, which resulted in the death of 17 civilians, and the attack on the community hospital in Bangui in May 2018 by individuals seeking to attack Muslim victims who were receiving treatment, which led to the lynching of a member of the healthcare staff. On 7 June, armed elements entered the hospital of Bambari and threatened medical staff and patients, causing some 30 patients to flee in a situation of vulnerability.

71. The Independent Expert points out that these unacceptable acts are evidence of a great lack of humanity on the part of their perpetrators and that they will be held responsible for them. She also notes that this situation only worsens the already disastrous state of health institutions, 70 per cent of which are damaged or non-operational, and the insufficiency of Central African medical staff. The Expert recalls that the attacks on hospitals could constitute war crimes or crimes against humanity and should be the subject of judicial enquiries.

B. Refugees and displaced persons

72. The conditions of return of refugees and displaced persons remain difficult in 2018 because of the presence of armed groups in almost 80 per cent of Central African territory. The anti-Balaka and ex-Séléka groups are still the main perpetrators of abuses against displaced and repatriated persons. According to the Office of the United Nations High Commissioner for Refugees, since 2016, more than 200,000 displaced persons and 93,000 refugees have been repatriated to their areas of origin, including the western prefectures and Bangui.

73. The Independent Expert deplores the negative impact of attacks on displaced persons camps. On 3 April 2018, the UPC attacked Tagbara camp and killed 23 persons, including three children and four women. In May 2018, almost 10,000 displaced persons in the Ippy camp (centre) had been deprived of freedom of movement since December 2017 as a result of the presence of armed groups around the camp, preventing them from going about their subsistence agriculture activities and creating a serious risk of food insecurity. A similar situation was observed in Paoua in February 2018, but seems to have been resolved by the arrival of Central African armed forces in the town.

74. In Libreville, the Independent Expert received worrying information about the situation of Central African refugees in neighbouring countries. She was alerted to the

[4] In 2017, the cost of the Humanitarian Response Plan was estimated at $399 million.

critical condition of refugee women in the subregion and the low level of assistance provided to them.

75. The Independent Expert recalls the importance of involving all refugees in the peace and security process in the Central African Republic. She underscores the importance of a national policy on returns based on the needs of displaced persons and refugees being taken into account in a transitional justice roadmap as a guarantee of non-recurrence.

V. Transitional justice

76. Transitional justice includes a range of processes and mechanisms implemented by society to try to confront the plethora of acts of violence committed in the past in order to establish responsibilities, hand down justice and enable reconciliation. During her visits, the Independent Expert learned of the Government's intention to develop a transitional justice strategy that would use judicial mechanisms, such as the Special Criminal Court, and non-judicial mechanisms, such as the Truth, Justice, Compensation and Reconciliation Commission, and guarantees of non-recurrence, including institutional reforms and compensation measures. The Expert has invited international partners to support this.

77. The purpose of the Independent Expert's missions was to explain the complementarity of each pillar of transitional justice and the need to coordinate their implementation in order to reassure donors, gain their backing for a clearer roadmap and enable simultaneous funding of complementary actions.

A. Overview

78. The conflicts in the Central African Republic were to a great extent stimulated by impunity, poor governance, poverty, regional disparities and inequalities of treatment. The conclusions of the Bangui Forum on National Reconciliation and the National Recovery and Peacebuilding Plan now represent the two key constituents of a transitional justice and reconciliation strategy. They are generally uncontested and are defended by all stakeholders, which suggests that their implementation should reduce the social divide and address the expectations of the population. The Independent Expert encouraged the Government to take stock and to report on activities that had taken place or to speed up their implementation.

79. Only by putting in place all the pillars of transitional justice[5] in a coordinated fashion can the causes of conflicts be tackled and peace guaranteed. The Mapping Project Report[6] published in May 2017 proposed a phased introduction, first implementing transitional justice components such as prosecutions and vetting programmes. Analysing the actions planned in the Central African Republic for each pillar, the Independent Expert noted that progress had indeed been made in the judicial field and with security-related institutional reforms. She now recommends that these efforts be consolidated and supplemented by actions under the right to truth and right to compensation pillars.

80. With regard to combatting impunity, the Independent Expert noted the assize court decisions of January 2018, which were appreciated by most Central Africans, and the holding of the criminal session of July 2018. She is, however, concerned about the breaches observed in the protection of victims and witnesses taking part in judicial proceedings. She welcomed the imminent opening of the Special Criminal Court investigations following the adoption of the procedural and evidentiary regulations, and encouraged donors to provide

[5] The four pillars of transitional justice are the right to truth, combatting impunity, the right to justice and guarantees of non-recurrence, including institutional reforms and the right to compensation.

[6] United Nations, *Report of the Mapping Project documenting serious violations of international human rights law and international humanitarian law committed within the territory of the Central African Republic between January 2003 and December 2015*. Available from https://www.ohchr.org/Documents/Countries/CF/Mapping2003-2015/2017CAR_Mapping_Report_EN.pdf.

steady funding to enable its staff to concentrate on judicial work. The Expert has taken note of the launch of assistance programmes by the Trust Fund for Victims of the International Criminal Court in the framework of the trial of Jean-Pierre Bemba Gombo, and appeals to donors. She also recalled the importance of respecting the independence of the judiciary, legal aid and compensation measures independent of the outcome of judicial decisions.

81. Regarding guarantees of non-recurrence, the main advances concern reform of the security sector. The Independent Expert appreciated the results of the vetting of the national forces, the training and deployment of three battalions of the Central African armed forces and the current training of 500 police officers and gendarmes. The disarmament, demobilization, reintegration and repatriation project has yet to begin. The Expert welcomed the institutional strengthening favourable to human rights engendered by intensified collaboration with treaty bodies and the establishment of the National Commission on Human Rights. She regrets, however, that the Commission and its members do not have the status or resources appropriate to guarantee their efficiency and independence. Although she has noted progress in the restoration of the authority of the State, the redeployment of the administration of justice and prisons, and the building and rehabilitation of prisons, she regrets that, in the towns in which the prefectural authorities are present, some judges and prison officers have still not returned to their posts. The Expert encouraged the national authorities speedily to initiate reform of the justice system, a human rights strategy and a national policy on the return of displaced persons and refugees. She also noted the establishment of the High Council for Communication and the High Authority in charge of good governance.

82. In 2015, the Bangui Forum on National Reconciliation initially approved the Truth, Justice, Compensation and Reconciliation Commission but did not detail its responsibilities. In 2017, the Government adopted a decree establishing a steering committee to examine the terms of reference of this Commission. After a delay in the start of the activities of the committee, a decree signed on 25 July 2018 extended its mandate by three months so that it could carry out the work planned under the decree establishing it, in particular the organization of wide-ranging consultations on the real expectations of the population with regard to the Commission. The Independent Expert expressly emphasizes that the consultations should include victims, civil society organizations and refugees, and plan for an adequate timeline to introduce significant elements into the basic terms of reference of the Commission, such as receiving information in return on some of the planned responsibilities as they are defined. She also points out that the stakeholders of the African Initiative for Peace and Reconciliation and local peace agreements will have to take into account choices made by the people as to the responsibilities of the Commission. The Expert was also informed of the operation of 16 local peace and reconciliation committees as local centres of initiative on peace, focusing on the issues of free circulation of people and goods, the peaceful coexistence of communities, the return of displaced persons and refugees and the acceptance of new prefectural authorities. She has, however, been informed of the technical and operational difficulties that these committees experience for lack of adequate resources.

83. The fourth pillar of a transitional justice strategy is compensation programmes that seek to provide victims of violations and their families with individual and collective material and symbolic compensation.[7] The Mapping Report sets out the number of victims of the conflict in the Central African Republic since 2003 and several means of compensation. In 2018, the Independent Expert notes that this subject has received little consideration. She recalled during her visits that compensation such as building roads, schools and training, and health and psychotherapeutic assistance centres, should help to dissipate resentment and frustrations and reduce disparities, at the same time as beginning to address the economic and social causes of the Central African conflict. She also invited her interlocutors to link the needs expressed with implementation of the National Recovery and Peacebuilding Plan. Lastly, she underscored the need to listen more attentively to the specific demands of women and young people and to ensure their participation in reconstruction and development programmes and decision-making.

[7] Ibid., part two, chapter V.

B. Challenges of coordinated action

84. The lasting restoration of peace will depend on the implementation of all the pillars of transitional justice, and on their complementarity and synchronization. The lack of simultaneous planning on these pillars has brought out certain weaknesses that were particularly visible in Bambari after the renewed violence. Coherent and coordinated action regarding criminal measures, investigation of the truth through dialogue, collective compensation and guarantees of non-recurrence through institutional reforms, the return of local government and the implementation of disarmament, demobilization, reintegration and repatriation programmes might have ended the crisis in Bambari once and for all.

85. The current coordination of institutional justice activities within United Nations bodies, the international community and the Government has weaknesses. In June, the Independent Expert acknowledged that MINUSCA could play a greater role in technical advice to the highest Central African authorities and the planning of the activities of partners around a programmatic approach to transitional justice. She stresses in particular the need to strengthen the technical capacities of MINUSCA to enable it to provide adequate support. Analysis of the action to follow up the Bangui Forum on National Reconciliation and the National Recovery and Peacebuilding Plan should facilitate the drawing up of a roadmap and identify pilot areas.

86. The majority of Central African territory is still controlled by armed groups. The military option for reducing their influence that has been favoured so far should immediately be supplemented by strengthened civilian actions to respond to the expectations of the population. The initiation of reconstruction, speedy economic recovery and reconciliation programmes must not be postponed until calm has finally been restored.

87. All the actions in favour of a programmatic approach to transitional justice should focus on the interests of victims. The Independent Expert also recalls that adequate implementation of measures to protect victims and witnesses will ensure their participation in judicial proceedings, the operation of the Truth, Justice, Compensation and Reconciliation Commission and compensation programmes, and will foster reconciliation.

88. To the mechanisms to compensate for the wounds of the past can be added a preventive aspect of transitional justice to avoid a resurgence of violence. In 2015, the Central African Republic established a National Committee on the Prevention and Punishment of Genocide, War Crimes, Crimes Against Humanity and all forms of Discrimination, the action plan 2017–2022 of which has been approved and could form part of the preventive framework of transitional justice.

VI. Conclusions and recommendations

A. Observations

89. **The Central African Republic is encountering multiple challenges on its road to peace. In one year, the situation on the ground has deteriorated, with a proliferation of armed groups and an upsurge in violence, which again reached Bangui. This context brings out more than ever the urgent need for the authorities simultaneously to strengthen the civilian protection, humanitarian aid, peace initiatives and development. The Central African authorities have certainly made progress in recovering territory, but the current situation shows there to be a link between the resistance of armed groups to the return of State authority and their presence in areas rich in natural resources, which they exploit unlawfully. The State should, without delay and with the assistance of MINUSCA and international partners, re-establish and definitively set up the government and rule of law so long awaited by the population. The contempt for international humanitarian law by armed groups cannot remain without consequence for the criminal liability of the perpetrators of violence and their participation in the African Initiative for Peace and Reconciliation. The armed groups at the negotiating table must prove their sincerity and stop killing, looting and terrorizing the population. It is also essential to turn young people away**

from reasons to follow these armed groups. The population is tired of this violence, and the reasons the armed groups continue to recruit reside in poverty, inactivity, frustration and fear.

90. The current insecurity shows the limitations of the military option. It is time to supplement it with a programmatic transitional justice approach based on the fundamental rights of victims of human rights violations. That implies improved coordination of national consideration of the situation and implementation of local transitional justice strategies, where that is possible. The coordination of international players in the framework of transitional justice should be strengthened and could take the form of a technical team within MINUSCA, supported by the mandate of the Independent Expert.

91. The political dialogue initiated has so far given little space to the civilian population. Since the Bangui Forum on National Reconciliation, the Central African population has been demanding more active participation in decisions taken to promote security, peace and development. While the facilitators of political dialogue have expressed their willingness to consider this request, they have specified no timescale or format. Women and young people, who make up more than half of the Central African population, no longer wish to be excluded from the reforms in progress. Greater openness to national players other than the armed groups could be beneficial to the acceptance and implementation of the results of political dialogue and probably strengthen social cohesion. In addition, the State and its partners would gain from disseminating more widely the tangible results connected with the peace, security, development and protection negotiations in order to reassure communities about their future.

92. In view of the regional impact of the conflict and its consequences, it is difficult to envisage an improvement in the human rights situation without strengthened subregional commitment, which is essential to the progress of the reforms under way, and the adoption of the thematic strategies planned at subregional level. Such strengthened commitment should enable the subregional organizations, supported by the United Nations and the African Union, to be the driving-forces of such change.

B. Recommendations

93. The Independent Expert reiterates the recommendations contained in her previous report (see A/HRC/36/64, para. 106), which remain pending.

94. She calls on the Government, with the support of the international community, to take the following measures:

(a) To continue efforts to ensure the protection of civilians and restore the authority of the State, emphasizing the fight against corruption;

(b) To implement a transitional justice strategy, beginning with a detailed inventory of implementation of the recommendations of the Bangui Forum on National Reconciliation and the activities set out in the National Recovery and Peacebuilding Plan, and to define the role of all the stakeholders, including the private sector, in the implementation of this strategy;

(c) To identify pilot areas, such as Bambari, Bouar and Bangassou, to develop local transitional justice strategies, working simultaneously on implementation of the four pillars of justice, truth, guarantees of non-recurrence and compensation;

(d) To ensure the performance of the work of the steering committee responsible for examining the terms of reference of the Truth, Justice, Compensation and Reconciliation Commission, and to organize wide-ranging consultations on the real expectations of the population, including refugees, regarding the responsibilities of the Commission, within the timescale set;

(e) To speed up the institutional reforms necessary for reconstructing the rule of law, to examine individual and collective compensation programmes and to invite the private sector to increase its commitment to instituting social and economic compensation measures;

(f) To intensify support for local peace negotiations and facilitate the participation and inclusion of men, women, young people, civil society players and traditional and religious leaders in peace negotiations, including at the national level;

(g) To strengthen subregional cooperation on security, development, humanitarian assistance and refugee protection issues, to make operational bipartite and tripartite commissions on cross-border issues, such as the transhumance, and to strengthen bilateral South-South cooperation;

(h) To commit actively to implementation of the recommendations arising from the Universal Periodic Review and the Treaty Bodies, including the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights;

(i) To support the immediate operation of the National Commission on Human Rights and Fundamental Freedoms and facilitate international cooperation with similar commissions;

(j) To support the national observatory of equality between women and men, to strengthen the resources placed at the disposal of the joint rapid response unit to combat sexual violence against women and children, to support, evaluate and make known the activities of local peace and reconciliation committees and of the National Committee on the Prevention and Punishment of Genocide, War Crimes, Crimes Against Humanity and all forms of Discrimination;

(k) To intensify and make better known its efforts to foster the participation of women in all negotiation initiatives on peace and security in compliance with Security Council resolution 1325 (2000);

(l) To guarantee the right of victims to an effective remedy, ensure the effective redeployment of judges in the regions, cooperate fully with the Special Criminal Court, adopt a law on legal aid and apply its protection measures for victims and witnesses participating in judicial proceedings;

(m) To provide the equipment and logistics necessary for the effective deployment of civil servants, judges, prison staff and defence and security forces;

(n) To conduct a study on the impact of the conflict on economic and social rights in the Central African Republic, emphasizing the link between violence and exploitation of natural resources;

(o) To protect humanitarian workers and their equipment and assist the mobilization of resources for the Humanitarian Response Plan;

(p) To continue to combat attempts to manipulate public opinion and to put an end to statements inciting hatred and violence, while preserving freedom of expression.

95. The Independent Expert recommends that the armed groups take the following measures:

(a) Cease immediately all hostilities and attacks on civilians, especially women and children, the peacekeeping forces, and the staff and property of humanitarian organizations;

(b) Sincerely respect their commitments made in the framework of the African Initiative for Peace and Reconciliation, liberate the areas under their control and allow the speedy movement of humanitarian assistance;

(c) End without delay the unlawful exploitation of natural resources in order to enable the re-establishment of governmental authority and economic development.

96. The Independent Expert recommends that MINUSCA take the following measures:

(a) Form a team to strengthen technical and financial support and the coordination of national efforts to promote the development, adoption and implementation of a transitional justice strategy;

(b) Encourage greater consideration of civil society in political dialogue and continue to support local peace agreements, and ensure that these initiatives respect human rights in accordance with the decisions of the Bangui Forum on National Reconciliation;

(c) Strengthen the action of the civilian components of MINUSCA regarding prevention of violence and protection of civilians, and strengthen documentation of human rights violations and abuses;

(d) Strengthen technical and financial assistance in the field of human rights for civil society, especially human rights, women's and youth organizations;

(e) To assist the National Commission on Human Rights and Fundamental Freedoms and the national observatory of equality between women and men in their empowerment work.

97. Addressing the international community, the Independent Expert:

(a) Welcomes the efforts already made to protect civilians and encourages it to remain united in its support of the African Initiative for Peace and Reconciliation, congratulates the facilitators of the Initiative and encourages them to remain firm in respecting the achievements of the Bangui Forum on National Reconciliation, in particular regarding armed groups that do not respect their commitments;

(b) Invites it to support the implementation of a transitional justice strategy, the strengthening of subregional cooperation and the political decisions made at regional level on peace and security;

(c) Calls upon it to act on its promises of financing for the priority programmes of the National Recovery and Peacebuilding Plan and encourages the international private sector with interests in the Central African Republic to take a more active role in carrying out social and economic recovery measures;

(d) Encourages it to continue to finance the Special Criminal Court over the long term, at the same time guaranteeing the necessary support to the 28 ordinary courts, and urges it to contribute to the Trust Fund for Victims of the International Criminal Court in the framework of the trial of Jean-Pierre Bemba Gombo;

(e) Urges it to remain mobilized to tackle the humanitarian crisis and finance the Humanitarian Response Plan 2017–2019;

(f) Recommends that it continues to conduct investigations into cases of sexual exploitation and attacks by the international United Nations and non-United Nations forces, to provide judicial assistance measures for victims and to refer perpetrators to the courts within a reasonable time;

(g) Encourages it to consider a subregional action plan for the protection of children in Central Africa and a subregional action plan for implementation of resolution 1325 (2000) on women and peace and security;

(h) While welcoming the organization of the Joint Summit of ECOWAS and ECCAS Heads of State and Government, calls upon it to intensify its support for ECCAS, to develop its role in settling the Central African conflict, to strengthen South-South cooperation in order to support security and development and to activate bipartite and tripartite commissions on cross-border themes such as the transhumance, trade and regional investment;

(i) Recommends that it remains seized of the issue of the human rights situation in the Central African Republic.